

## **REMARKS**

This Response is filed in reply to the Office Action dated January 14, 2005. In this Response, Applicants amend claims 2, 3, 5, 7-9, 15, 16 and 20 to traverse the Examiner's rejections and/or objections of the same and Applicants cancel claims 1, 6, 18 and 19, without prejudice. Amendments to the claims are not an acquiescence to any of the rejections. Furthermore, silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim(s), but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claim(s) depends. Furthermore, any cancellations of and amendments to the claims are being made solely to expedite prosecution of the instant application. Applicants reserve the option to further prosecute the same or similar claims in the instant or a subsequent application. Upon entry of the Amendment, claims 2-5, 7-17 and 20 are pending in the present application.

The issues of the January 14, 2005 Office Action are presented below with reference to the Office Action.

With regard to the Office Action, paragraphs entitled "Claim Rejections - 35 USC § 102":

The Examiner rejected claims 1, 3, 4, 15, 16, 19 and 20 as being anticipated by Gierveld et al. (U.S. Patent Ser. No. 6,113,111).

With regard to the Office Action, paragraphs entitled "Allowable Subject Matter":

The Examiner allowed claims 17 and 18. The Examiner objected to claims 2 and 5-14 as being dependent on a rejected base claim, indicating the claims would be allowable if rewritten in independent form, including all the limitations of the base claims and any intervening claims. Applicants thank the Examiner for the careful consideration of the prior art, Applicants' specification, and Applicants' claims. Applicants' failure to comment on the Examiner's statement of reasons for allowance is not and should not be construed to be an acquiescence to such reasons for allowance.

Applicants amend claims 2 and 5 to be in independent form, including all the limitations of base claim 1 to overcome the objection to claims 2 and 5 and to place claims 2 and 5 in condition for allowance. Applicants cancel claim 1, without prejudice, and amend claims 3, 15 and 16 to depend from claim 2. Applicants cancel claim 19, without prejudice, and amend claim 20 to depend from claim 5. Claims 3, 4 and 12-16 depend directly or indirectly from claim 2 and are deemed allowable at least by dependency. Claim 20 depends directly from claim 5 and is deemed allowable at least by dependency. Allowance of claims 2-5, 12-16 and 20 is respectfully requested.

Applicants cancel claim 6, without prejudice and amend claims 7-9 to depend from allowed claim 17. Applicants cancel claim 18 as being duplicative of amended claims 8 and 9. Claims 7-11 depend directly or indirectly from claim 17 and are deemed allowable at least by dependency on an allowed base claim. Allowance of claims 7-11 is respectfully requested.


### **CONCLUSION**

Applicants consider the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 617-832-1175.

Respectfully submitted,

Date: April 14, 2005

**Customer No. 25181**  
Foley Hoag LLP  
Seaport World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210

  
Robert W. Gauthier  
Reg. No. 35,153

Phone: 617-832-1175  
Fax: 617-832-7000